

RECEIVED  
CENTRAL FAX CENTER

AUG 31 2005

August 31, 2005

To: United State Patent and Trademark Office  
Mr. Hezron Williams,  
Supervisory Patent Examiner, Technology Center 2800  
Ph. (571) 272-2208

Mrs. Katina M. Wilson,  
Examiner  
Ph. (571) 272-2209  
Fax (703) 872-9306

From : Customer nr. 37129  
Konstandinos Zamfes (inventor)  
1830-10 Ave S.W.  
Calgary, AB T3C 0J8  
Canada  
Ph. (403) 245-3710

Re: August 8, 2005 "Office Action Summary", confirmation nr. 4839.  
Application / Control Number 10/710,840  
Art Unit 2856

Dear Sir or Madam:

According to Your request, I attached my Respond Letter.

Attachment:

1. Respond to the Art Unit: 2856 (1 page)
2. "Office Action Summary" Application No. 10/710,840  
Art Unit: 2856 (3 pages)

Regards



Konstandinos Zamfes

**PROSPECTORS  
GROUP**

Houston - Calgary

**Prospectors Corp.**

1830 - 10 Ave. S.W. Calgary, Alberta, Canada T3C 0J8  
Tel: 403-229-3631, Fax: 229-3508

Respond to the Art Unit: 2856.

Application/Control Number 10/710,840,

By Mr. Hezron Williams, Supervisor patent examiner, Technology center 2800.

1. The examiners reasons for applying the restrictions (class 73 subclass 635) is that the "Group II may use a scale to measure the weight of the sample in the tube."
2. The wait of both the tube and sample can be measured by weight as one homogeneous unit only. In our case the main purpose of Micro-granulometry is that it is capable to differentiate quantitatively the fractions composing the sample in the tube, and other properties of this fractions. See the table and the graphics on Fig.5. Particles distribution in the sample.
3. By this reason one capable of art can see that the weights scale cant replace the Microgranulometry Apparatus and by weighing the tube as one unit the **fractions will not be defined**. This disregards the applicability of restriction class 73 subclass 635 for **apparatus presented in claims 1-11**.
4. One capable of art can see that the one of the main qualities of the invention is the capability to differentiate the rocks by the fractions it is composed from. See the Textual and digital note (7.1) in Fig. 7 in text description column it is indicated "42% SS (Sandstone) 11% SLTST (Siltstone) 47%SH (Shale) and Graphical Lithologies (7.2) Fig 7. This quantities are later participating in the algorithm to obtain the Hydrocarbon Permeability Index drown in the graphics 7.3 Fig 7.
5. The restrictions on process class 73 subclass 599 **on Process** have to be disregarded on the similar reasons that the Single value of weight or density will not produce the discrimination to Sandston Siltstone and Shale or Carbonate quantities required for the algorithm presented in fig 7 and is part of **claims 12-17**.
6. As a conclusion of this discussion I ask to lift the application of the restrictions by class 73 subclass 635 and subclass 599 to allow all claims to be qualified.

Thank for helping.  
Kosta (Konstandinos) Zamfes.



Wellsite Technology for the 21<sup>st</sup> Century  
1830 - 10 Ave. S.W. Calgary, CANADA T3C 0J8 Tel: 403-229-3631, Fax: 2293508

AUG 31 2005

**Office Action Summary**

Application No.

10/710,840

Applicant(s)

ZAMFES, KONSTANDINOS

Examiner

Katina M. Wilson

Art Unit

2856

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

U.S. Patent and Trademark Office  
PTOL-326 (Rev. 1-04)

Office Action Summary

Application/Control Number: 10/710,840  
Art Unit: 2856

Page 2

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11 are drawn to a micro granulometry apparatus comprising a sonic source and sonic receiver, classified in class 73 subclass 635.
- II. Claims 12-17 are drawn to process for measuring a microgranulometry, classified in class 73, subclass 599.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case group II does not require the rolling holders, gamma source, sonic source, gamma receiver or sonic receiver of group I to measure the properties of the sample. Group II may use a scale to measure the weight of the sample in the tube.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katina M. Wilson whose telephone number is 571-272-2209. The examiner can normally be reached on Mon-Thurs 6:15am-2:00pm, off on Fridays.

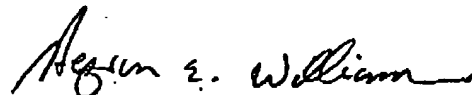
Application/Control Number: 10/710,840  
Art Unit: 2856

Page 3

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KW



HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800